

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Friday, March 05, 2021

TIME: 12:00 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** None

GUESTS: Steven Keyser; Garth Gaylord, District 12, Precinct 60; Rosa Martinez; Jessica Marcu, Adrien Marcu, Helene Peterson, District 11; Deanna France; Eva Selleck; Austin Swing.

Chairman Chaney called the meeting to order at 12:22 p.m.

H 195: Presentation and testimony on **H 195** was made previously.

MOTION: **Vice Chairman Hartgen** made motion to **HOLD H 195** in committee.

SUBSTITUTE MOTION: **Rep Ruchti** made a substitute motion to send **H 195** to the floor with a **DO PASS** recommendation.

UNANIMOUS CONSENT REQUEST: **Rep. Ruchti** made a unanimous consent request to modify the substitute motion and send **H 195** to the floor with **no recommendation**. There being no objection, the request was granted.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Substitute motion carried by a vote of 10 AYE and 6 NAY. Voting in favor** of the motion: **Reps. Chaney, Scott, Marshall, Troy, Young, Nate, Gannon, McCrostie, Ruchti, Nash. Voting in opposition** to the motion: **Reps. Hartgen, Kerby, Amador, Cannon, Erickson, Skaug. Reps. Green and Chaney** will sponsor the bill on the floor.

H 288: Presentation on **H 288** was made previously.

Steven Keyser testified **in opposition** to **H 288**. He believes this legislation is weakening first amendment rights and puts restrictions on public sidewalks, a sacred place for demonstration. He expressed concerns about the word annoy and cited a supreme court decision which applied to this legislation.

Garth Gaylord of District 12, Precinct 60, testified **in opposition** to **H 288**. His issues with the bill were about the implications of interpreting intent and the potential misdemeanor consequences for picketing. People can choose to be afraid or be offended about anything, like beards, he said.

Matthew Jensen testified **in opposition** to **H 288**. He has had people show up at his house protesting but doesn't believe that picketing at houses should be illegal.

Eva Selleck testified **in opposition** to **H 288**. She believes there is no reason to take the public square away from the people. She wants her rights and liberty to be protected.

Man who gave a fake name to testify was asked to sit down.

Lindsey Zea testified **in opposition** to **H 288**. She believes that this legislation would conflict with landmark supreme court free speech rulings. She said precedent has already been set and there are local zoning ordinances which cover this.

Adrien Mercu testified in opposition to **H 288**. He believes elected Representatives should be accountable to the public and that every attempt to oppress people has been bad for the oppressor. He told a story about Hitler and believes elites are trying to rob people of their liberty.

Deanna France, retired teacher, testified in opposition to **H 288**. She said there is a spiritual battle between good and evil in America right now because our constitution has been shredded. She carries a copy of the constitution in her purse.

Jessica Mercu testified in opposition to **H 288**. She told the story of a woman named Susan who was arrested for protesting. Susan believes that opinions shouldn't be enforced by the state and that since her arrest she has been targeted.

Rosa Martinez testified in opposition to **H 288**. She believes that when Representatives do not uphold their oath it makes them a target because civil servants agree to serve their people. She thinks this legislation is a part of a communist agenda and told stories of protestors in other countries.

Helene Peterson testified in opposition to **H 288**. She believes it is too broadly written and anyone could accuse anyone of being annoying as some people are more sensitive than others. She believes this legislation is not protecting the common person, but rather elected officials, whose information should be made public.

Margie Baker testified in opposition to **H 288**. She doesn't know whether to laugh or cry about the legislation but feels the Representatives who vote yes trespass on peoples' right. She believes public servants are the puppets and the people are the masters and that officials in the past had more courage because they were willing to die.

Del Chapel testified in opposition to **H 288**. He said the wording of this bill is crafty and similar to previous legislation.

Lynn Laird testified in opposition to **H 288**. She is concerned that the bill is in violation of the freedom of speech and press and is curious how enforcement would look. She told a story about a pregnant woman in Australia who was arrested for posting online about a protest. She has family and friends in law enforcement and believes this bill would be a PR nightmare.

Monica McKinley testified in opposition to **H 288**. She believes there are consequences for making public information dissemination a crime. She wants more clarity on bill language, says it is vague and that it is unclear who would be arrested. She wonders if the bill is intended to protect a certain class of people.

Casey Baker testified in opposition to **H 288**. He is concerned that this is taxation without representation, treason and punishable by death. He quoted the Bible and believes people in Idaho have been slothful. He also quoted the Constitution.

MOTION:

Rep. Gannon made a motion to **HOLD H 288** in committee. In debate he said this legislation makes the organizer responsible for what the participants do and believes it stifles public organizing and free speech. He also thinks it will be hard to determine the intent of the organizer.

SUBSTITUTE MOTION:

Rep. Cannon made a substitute motion to send **H 288** to the floor with a **DO PASS** recommendation.

In discussion on the motion, other laws on doxing were mentioned and concerns around the word annoy were expressed. Some would prefer a bill with stronger language which addresses physical harm. Moral concerns about the wrongness of residential picketing and the effects on neighbors was expressed. Some don't believe that discouraging residential picketing limits free speech. People are responsible for their rights and picketing in a residential area is an abuse of free speech rights. Some do not believe that doxing should be illegal. It was stated that this bill is not making targeted picketing illegal but makes organizing for picketing illegal. Guilt or innocence should rely on the actions of the people not the organizers. Some agree that it should not be legal to harass people but the definitions in this bill are not clear enough.

In response, the bill sponsor stated that the language had been thoroughly reviewed and the words annoy and intimidate are a part of similar legislation in Arizona. Under this legislation it would not be legal to go to someone one's house with the intent to annoy them and in order for this to be enforceable it would need to be obvious that was the intent. The bill targets the practice without forbidding the process. Intent elements do make it more difficult to charge, making this a softer approach than previous bills. It was clarified that a county clerk would not be liable for producing public information at request. It was stated that this would have less of a direct provable impact on officials and more on law enforcement. Currently there are no laws that address this outside of trespassing. A case of online bullying was presented as an example of why something in individual practice isn't illegal but organizing a group to do the same thing should be.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE, 6 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Cannon, Erickson, McCrostie, Ruchti, Nash. Voting in opposition** to the motion: **Reps. Amador, Scott, Young, Nate, Skaug, Gannon. Rep. Troy was absent/excused. Reps. Chaney and Green** will sponsor the bill on the floor.

MOTION:

Rep. Amador made a motion to **reconsider H 30**, legislation regarding POST funding. Roll call vote was requested. **Motion failed by a vote of 7 AYE, 8 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Cannon, Ruchti, Nash. Voting in opposition** to the motion: **Reps. Scott, Marshall, Young, Nate, Erickson, Skaug, Gannon, McCrostie. Rep. Troy was absent/excused.**

MOTION:

Rep. Nash made a motion to **adjourn**. Roll call vote was requested. **Motion failed by a vote of 5 AYE, 10 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Marshall, Erickson, Gannon, McCrostie, Nash. Voting in opposition** to the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Scott, Young, Nate, Cannon, Skaug, Ruchti. Rep. Troy was absent/excused**

H 45:

Presentation and testimony heard previously.

MOTION:

Rep. Scott made a motion to pull **H 45** out of the subcommittee for consideration by the full committee. Roll call vote was requested. **Motion carried by a vote of 14 AYE, 1 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Scott, Marshall, Young, Nate, Cannon, Erickson, Skaug, McCrostie, Ruchti, Nash. Voting in opposition** to the motion: **Rep. Gannon. Rep. Troy was absent/excused.**

MOTION:

Rep. Scott made a motion to send **H 45** to the floor with **no recommendation**.

**SUBSTITUTE
MOTION:**

Rep. McCrostie made a substitute motion to **HOLD H 45** in committee.

The subcommittee recommended the bill be laid on the table but was split on that decision. Members were concerned that this legislation was part of a bigger, unaddressed problem and were worried that if it got through committee it wouldn't motivate the supporters to come to the table at a later date. Rent control was cited as distorting the market and some felt this bill should be debated on the floor. The housing situation in Boise and Meridian was discussed as a local issue needing local control. The City of Boise ordinance capping rental application fees discourages bad faith business and is the only city ordinance currently in place. The differences between urban and rural communities and the incentives for property managers were discussed as being reasons why this bill is not appropriate.

MOTION: **Chairman Chaney** made a motion for the previous question. Roll call vote was requested. **Motion carried by a vote of 14 AYE, 1 NAY and 1 Absent/ Excused.** **Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Scott, Marshall, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash.** **Voting in opposition** to the motion: **Rep. Nash. Rep. Troy was absent/excused.**

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Motion carried by a vote of 8 AYE, 7 Nay and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Marshall, Gannon, McCrostie, Nash.** **Voting in opposition** to the motion: **Reps. Scott, Young, Nate, Cannon, Erickson, Skaug, Ruchti. Rep. Troy was absent/excused.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:22 p.m.

Representative Chaney
Chair

Beth Norton
Secretary